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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/189,365 11/09/98 GEBAUER N 33012/253/10

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EXAMINER

ROBINSON, G

ART UNIT PAPER NUMBER

2177

5

DATE MAILED:

04/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

See attached Action.

<b>Office Action Summary</b>	Application No. <b>09/189,365</b>	Applicant(s) <b>Gebauer et al.</b>
	Examiner <b>Greta Robinson</b>	Group Art Unit <b>2177</b>

Responsive to communication(s) filed on Jan 30, 2001

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-20 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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***Response to Amendment***

1. Claims 1-20 are pending in the present application.
2. Claims 7-10 have been amended.
3. *Cool Ice User's Guide Release 1.0* was cited as prior art in the last office action paper number three.

***Drawings***

4. The following is a quotation from 37 CFR 1.84(p)(4), detailing the use of reference characters in drawing:

“The same part of an invention appearing in more than one view of the drawing must always be designated by the same reference character, and the same reference character must never be used to designate different parts.”

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p) (4) because reference character “54” has been used to designate both the Enterprise Server (see Figure 3) and the Client (see Figure 4). Correction is required.
6. The drawings are objected to as failing to comply with 37 CFR 1.84(p) (4) because there are numerous drawing elements, including but not limited to the Cool ICE System, Internet

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Terminal, Web Server, Internet, Enterprise Server, Departmental Server, Cool ICE Gateway, Cool ICE service Handler, Cool ICE Administrator, Cool Ice Repository, and Browser, that are referred to by different reference numbers on different Figures, notably on Figures 1, 3, 4, 5, 6, and 9. The provisions of 37 CFR 1.84(p)(4) require that identical elements be labeled with identical reference numbers on all drawings throughout the application.

Correction is required.

7. The drawings are objects to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

- a) reference numbers 144, 150, 162, and 174 in figure 6; and
- b) reference numbers 246, 252, 268 and 274 in figure 9;

Correction is required.

8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 208 (see reference to 'path 208' on page 30, line 13). Correction is required.

The Applicant's cooperation is appreciated in correcting any additional instances of the above-cited errors of which they may become aware.

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9. Applicant is required to submit a proposed drawing correction in reply to this office action. However, formal drawings can be deferred until the Examiner has identified allowable subject matter.

*Specification*

10. The use of trademarks Cool ICE and Classic MAPPER has been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology. See MPEP §608.01(v).

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort to prevent their use in any manner which might adversely affect their validity as trademarks.

11. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The use of a trademark in the title of an application should be avoided. See MPEP §608.01(v). A patent title should be descriptive as to the functions of the invention, and should not contain proper names.

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***Claim Rejections - 35 USC § 112***

12. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to **claim 8**, the following phrase is vague and unclear: “*wherein said data base management system communicates with said data base using particular command language script*” [claim 8 lines 1-2]. The examiner suggests inserting the article “a” before the word “particular”.

***Double Patenting***

13. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

14. Claims 1, 6-11 and 13-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 6-11 and 13-20 of

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copending Application No. 09/189,160. Although the conflicting claims are not identical, they are not patentably distinct from each other because it is well settled that omission of elements and their functioning is obvious expedient if the remaining elements perform the same function as before. See In re Karlson 136 USPQ 184 (CCPA 1963).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

With respect to claim 1, a data processing environment having a user terminal with a user-id for generating a service request for access to a first data table responsively coupled to a data base management system having at least one database with at least one data table wherein said at least one data table includes said first data table, the improvement comprising:

a security profile corresponding to said user-id whereby said data base management system permits said user terminal to access said first data table if and only if said security profile corresponds to access to said first data table [see: claim 1 of copending application no. 09/189,160]. It would have been obvious to one of ordinary skill to substitute the limitation of a *command language script* in case 09/189,160 claim 1 line 4 for the *user-id* of the present invention because the security profile provides access, identifies and encrypts the user-id through use of a command language script.

15. With respect to claim 6:

- a. a user terminal having a user-id;

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b. a database management system having access to a data base with a plurality of data tables responsively coupled to said user terminal; and

c. a security profile located within said data base management system corresponding to said user-id wherein said data base management system provides access to a particular one of said plurality of data tables of said data base by said user terminal if and only if said user-id corresponds to said security profile [see claim 6, application no. 09/189,160]. It would have been obvious to substitute the data base management system of app. 09/189,160 for the plurality of data tables since both are essentially the same.

16. With respect to claims 7-10:

(Claim 7) wherein said user terminal causes said data base management system to communicate with said data table by transferring a service request to said data base management system [see claim 7, 09/189,160].

(Claim 8) wherein said data base management system communicates with said data base using particular command language script [see claim 8, 09/189,160].

(claim 9) wherein said service request corresponds to said particular command language script [see claim 9, 09/189,160].

(claim 10) said security profile corresponds to said particular command language script [see claim 10, 09/189,160].

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17. With respect to claim 11, transmitting a service request ... receiving said service request ... determining a security profile corresponding to said service request; comparing said security profile with said user-id; and responding to said service request if and only if said user-id corresponds to said security profile [see claim 11, 09/189,160].

18. With respect to claim 13:

wherein said honoring step further comprises executing a command language script corresponding to said service request [see claim 13 of application no. 09/189,160 which uses the term "*wherein said responding step*", this phrase takes on the same meaning as the present applications use of the term "*wherein said honoring step*"; also see independent claim 11 step (e) of both applications].

19. With respect to claim 14:

wherein said comparing step further comprises accessing said security profile as corresponding to said command language script [see claim 14, application no. 09/189,160].

20. With respect to claim 15:

wherein said remote data base management system further comprises Classic MAPPER data base management system [see claim 15, application no. 09/189,160].

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21. With respect to claim 16:

- a. Means having a user-id for permitting a user to interact with a data table of a digital data base having a plurality of data tables using a service request;
- b. Means responsively coupled to said permitting means for offering data processing services involving access to said data table to said user in response to said service request;
- c. Means responsively coupled to said offering means from said offering data processing services to said user in response to said service request unless said user-id corresponds to a security profile wherein said security profile permits access to said data table [see claim 16, application no. 09/189,160 the claim corresponds directly with the present invention].

22. With respect to claims 17-20:

(Claim 17) wherein said offering means further comprises means for storing command language script corresponding to said service request [see claim 17, application no. 09/189,160].

(Claim 18) wherein said storing means also stores said security profile [see claim 18, application no. 09/189,160].

(Claim 19) wherein said offering means further comprises Classic MAPPER data base management system [see claim 19, application no. 09/189,160].

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(Claim 20) wherein said permitting means further comprises an industry standard personal computer [see claim 20, application no. 09/189,160].

***Claim Rejections - 35 USC § 102***

23. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

24. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by *Cool Ice User's Guide Release 1.0*.

With respect to claim 1, *Cool Ice User's Guide* teaches in a data processing environment having a user terminal with a user-id for generating a service request for access to a first data table responsively coupled to a data base management system having at least one database with at least one data table wherein said at least one data table includes said first data table, the improvement comprising:

a security profile corresponding to said user-id whereby said data base management system permits said user terminal to access said first data table if and only if said security profile corresponds to access to said first data table [see: section on *Security Profiles* page 2-17 through

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2-19; *Cool Ice Scripting* page 1-9; *access log* page 2-14 through 2-16; note *Cool Ice Gateway* step (3) figure 1-4; also see figures 1-1 and 1-2].

*Cool Ice User's Guide* teaches the invention substantially as cited above, they teach a data processing environment in which different levels of security may be programmed into the system for access.

25. With respect to claims 2-5:

(Claim 2) wherein said at least one data table is a plurality of data tables and said security profile does not correspond to access of at least one of said plurality of data tables [page 1-9].

(Claim 3) further comprising a second user terminal with a second user-id for generating a second service request for accessing a second one of said plurality of data tables wherein said second user terminal is prohibited from accessing said first data table [page 2-17 through 2-19; and page 1-8 through 1-9; also note figure 1-2].

(Claim 4) further comprising a third user terminal with a third user-id for generating a third service request for accessing every one of said plurality of data tables wherein said third user-id corresponds to a third security profile for accessing every one of said plurality of data tables [note *Cool Ice Service Repository* page 1-9].

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(Claim 5) wherein said data base management system is Classic MAPPER [note MAPPER page 1-5].

26. With respect to claim 6:

a. a user terminal having a user-id;  
b. a database management system having access to a data base with a plurality of data tables responsively coupled to said user terminal; and  
c. a security profile located within said data base management system corresponding to said user-id wherein said data base management system provides access to a particular one of said plurality of data tables of said data base by said user terminal if and only if said user-id corresponds to said security profile [page 2-17 through 2-19; page 1-9 and page 2-14 through 2-16; figures 1-1, 1-2, and 1-4].

27. With respect to claims 7-10:

(Claim 7) wherein said user terminal causes said data base management system to communicate with said data table by transferring a service request to said data base management system ... (Claim 8) wherein said data base management system communicates with said data base using particular command language script ... (claim 9) wherein said service request corresponds to said particular command language script ... (claim 10) said security profile corresponds to said particular command language script [page 1-9, pages 1-11 through 1-16, and page 2-18].

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28. With respect to claim 11:

transmitting a service request ... receiving said service request ... determining a security profile corresponding to said service request; comparing said security profile with said user-id; and responding to said service request if and only if said user-id corresponds to said security profile [page 1-11 through 1-16; page 2-18].

29. With respect to claim 16:

a. Means having a user-id for permitting a user to interact with a data table of a digital data base having a plurality of data tables using a service request;

b. Means responsively coupled to said permitting means for offering data processing services involving access to said data table to said user in response to said service request;

c. Means responsively coupled to said offering means from said offering data processing services to said user in response to said service request unless said user-id corresponds to a security profile wherein said security profile permits access to said data table [page 1-11 through 1-16; also note citations above].

30. The limitations of claims 12-15 and 17-20 have been addressed above except for the following limitation: "said permitting means further comprises an industry standard personal computer" [see page 1-5; and figures 1-1, 1-2 and 1-16].

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***Response to Arguments***

31. In the remarks Applicant argued the following: (1) The double patenting rejection is traversed because the claims of the present application are limited to security profiling which grants and prohibits access to a data base on a “table by table” basis.

**In response** to Applicant’s argument above, both applications pertain to security profiling which grants and prohibits access to a data base [see claim 1 of both applications]. The notion of a “table by table” basis for access in the present application is encompassed in application 09/189,160 limitation of access to the database. A database encompasses a table. Also note claims 16-20 of application 09/189,160 correspond directly with claims 16-20 of the present application; the claims should be amended or canceled.

(2) The limitations of claim 1 is a misquote; and the examiner has not distinguished between the security profiling to control data base management operations (as in the prior art) and security profiling to control availability of specific portions of the data base.

**In response**, the limitation to “*control availability of specific portions of the data base*” does not seem to be in the claims. Although this element does not seem to appear in the claim limitation, *COOL ICE User’s Guide* teaches different levels of security may be programmed into the system with respect to access note section on security profiles page 2-17 and 2-19.

With respect to the misquote, the limitation of how the claim reads has been corrected note citation supra.

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***Conclusion***

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

***Carol Sliwa Unisys Middleware Links Databases to Web, http://www2.computerworld.com***

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta Robinson whose telephone number is (703)308-7565. The examiner can normally be reached Monday through Friday from 9:30 AM to 6:00 PM.

If any attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached at (703)305-9790.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703)308-6306, (for formal communications)

**Or:**

(703)308-6606, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

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Hand delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-9600.



Greta Robinson

April 4, 2001